

In re the Application of:

Lex P. Janse, et al

Serial No.: 10/623,381

Filed: July 18, 2003

For: BIOCOMPATIBLE WIRES AND METHODS OF USING SAME TO FILL BONE VOID

Group Art Unit: Not-Yet-Assigned

Examiner: Not-Yet-Assigned

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

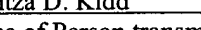
In accordance with 37 CFR § 1.97 and 1.98, the items identified in this Information Disclosure Statement (“IDS”) are brought to the attention of the Office. Copies of US Patents and US Patents Publications are not enclosed, pursuant to the US Patent & Trademark Office waiver of this requirement under 37 CFR § 1.98 (a)(2)(i) for patent applications filed after June 30, 2003.

The items identified in this IDS may or may not be “material” pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as “prior art” under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

CERTIFICATE OF MAILING
(37 C.F.R. §1.8)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposit with the United States Postal Services on the date shown below with sufficient postage as "First Class Mail" to addressee in an envelope addressed to the Commissioner for Patents, Alexandria, VA 22313-1450

October 2, 2003

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10/2/03 9:35 AM

INFORMATION DISCLOSURE STATEMENT FILING PROVISION:

☒ This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d) or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.

☐ This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.

☐ The fee due under 37 CFR § 1.17(p) is submitted herewith.

☐ A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.

☐ This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

STATEMENT UNDER 37 CFR § 1.97(e):

☐ Each item contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.

☐ No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:

- ☐ A check in the amount of _____ is enclosed for the above fee(s).
- ☐ Please charge _____ to Deposit Account No. **50-2518** for the above fee(s).
- ☒ Although applicant believes no fee is required, the Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Bingham McCutchen's Deposit Account No. **50-2518**.

Respectfully submitted,
BIGHAM McCUTCHEN LLP

Dated: _____

10-2-03

By: _____

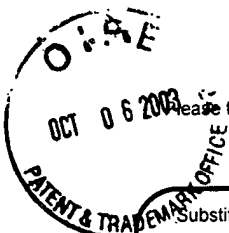


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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 2

Complete if Known

Application Number	10/623,381
Filing Date	July 18, 2003
First Named Inventor	Laex P. Jansen, et al
Group Art Unit	Not-Yet-Assigned
Examiner Name	Not-Yet-Assigned
Attorney Docket Number	2024730-7032312001 (03-118)

U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	1.	3,882,858		Klemm	05-13-1975	
	2.	3,924,274		Heimke et al	12-09-1975	
	3.	4,093,576		deWijn	06-06-1978	
	4.	4,239,113		Gross et al	12-16-1980	
	5.	4,263,185		Belykn et al	04-21-1981	
	6.	4,341,691		Anuta	07-27-1982	
	7.	4,373,217		Draenert	02-15-1983	
	8.	4,547,390		Ashman et al	10-15-1985	
	9.	4,718,910		Draenert	01-12-1988	
	10.	4,735,625		Davidson	04-05-1988	
	11.	4,743,257		Tormala et al	05-10-1988	
	12.	4,963,151		Ducheyne et al	10-16-1990	
	13.	5,049,157		Mittelmeier et al	09-17-1991	
	14.	5,336,699		Cooke et al	08-09-1994	
	15.	5,476,880		Cooke et al	12-19-1995	
	16.	5,507,814		Gilbert et al	04-16-1996	
	17.	5,574,075		Draenert	11-12-1996	
	18.	5,621,035		Lyles et al	04-15-1997	
	19.	5,679,299		Gilbert et al	10-21-1997	
	20.	5,984,968		Park	11-16-1999	
	21.	6,203,844		Park	03-20-2001	
	22.	6,217,620		Park	04-17-2001	
	23.	6,241,734		Scribner et al	06-05-2001	
	24.	6,291,547		Lyles et al	09-18-2001	
	25.	6,395,007		Bhatnagar et al	05-28-2002	
	26.	6,425,919		Lambrecht	07-30-2002	
	27.	6,544,324		Lyles et al	04-08-2003	
	28.	6,558,428		Park	05-06-2003	

Examiner
Signature

Date
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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OTHER DOCUMENTS -- NON PATENT LITERATURE

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	29.	US Patent Publication No. 2001/0011190 A1, PARK, "Precoated Polymeric Prosthesis and Process for Making Same" Publication date 08-02-2001	
	30.	US Patent Publication No. 2002/0049449 A1 BHATNAGAR et al, "Apparatus and Method for Fixation of Osteoporotic Bone" Publication date 04-25-2002	
	31.	US Patent Publication No. 2002/0082600 A1, SHAOLIAN et al, "Formable Orthopedic Fixation System" Publication date 06-27-2002	
	32.	US Patent Publication No. 2002/0151979 A1, LAMBRECHT et al, "Devices and Method for Nucleus Pulposus Augmentation and Retention" Publication date 10-17-2002	
	33.	US Patent Publication No. 2003/0036763 A1, BHATNAGAR et al, "Apparatus and Method for Fixation of Osteoporotic Bone" Publication date 02-20-2003	

Examiner
Signature

Date
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